

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JANELL BRACEY

PLAINTIFF

VS.

CIVIL ACTION NO. 3:19-cv-25-HTW-LRA

HUMANA INSURANCE COMPANY  
AND JOHN DOES 1-10

DEFENDANT

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**MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)**

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For the reasons set forth in the accompanying memorandum, and pursuant to Rule 12(b)(6), Defendant, Humana Insurance Company, moves for dismissal of all claims, specifically bad faith / implied covenant of good faith and fair dealing, and gross negligence amounting to punitive damages, asserted by Plaintiff Janell Bracey in her Complaint.

This the 28th day of January, 2019.

Respectfully submitted,  
HUMANA INSURANCE COMPANY

By Its Attorneys,

BAKER DONELSON BEARMAN  
CALDWELL & BERKOWITZ, PC

By: /s/ Jean C. Bertas  
JEAN C. BERTAS

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**CERTIFICATE OF SERVICE**

I do hereby certify that on this day the foregoing document was filed electronically with the Clerk of the Court using the Court's ECF system, which served a true and correct copy of such paper electronically on the following counsel of record:

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This the 28th day of January, 2019.

/s/ Jean C. Bertas  
JEAN C. BERTAS